

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

SEAN ZEIGLER,	:	Case No. 1:22-cv-47
Petitioner,	:	
	:	Judge Timothy S. Black
vs.	:	
	:	Magistrate Judge Stephanie Bowman
WARDEN, LEBANON	:	
CORRECTIONAL INSTITUTION,	:	
Defendant.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 2); AND
TERMINATING THIS CASE ON THE COURT'S DOCKET**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge submitted a Report and Recommendation on March 8, 2022, recommending that this case be dismissed without prejudice to Petitioner's duplicative habeas petition, which petition is pending before the Court in Case No. 1:18-cv-580. (Doc. 2). No objections were filed to the Report and Recommendation, and the time for doing so has now expired.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the relevant filings in this case. Upon consideration of the foregoing, the Court finds that the Report and Recommendation should be and is hereby adopted in its entirety. Accordingly:

1. The Report and Recommendation (Doc. 2) is **ADOPTED**;

2. The above-referenced civil action is hereby **DISMISSED without prejudice** to Petitioner's duplicative habeas petition, filed in Case No. 1:18-cv-580;
3. The Clerk shall enter judgment accordingly, whereupon this case shall be **TERMINATED** on the docket of this Court;
4. Because reasonable jurists would not debate the Court's ruling, the Court **DENIES** issuance of a certificate of appealability; and
5. Pursuant to 28 U.S.C. § 1915(a), the Court certifies that an appeal of this Order would not be taken in good faith and, therefore, this Court **DENIES** Plaintiff leave to appeal *in forma pauperis*.

IT IS SO ORDERED.

Date: 7/5/2022

s/Timothy S. Black
Timothy S. Black
United States District Judge